

	Initials	Date	Comments
Preparer Initials/Date Completed	JL	7/30/19 8/22/2019	(b) (5)
1st Level Review	amb	9.29.2019	No comments
2nd Level Review	JMT	10/20/2019	Approved – (b) (5)

PURPOSE: To obtain an official definition of “embargoed testimony” from the House of Representatives, Committee on Science, Space and Technology.

SOURCE: Phone interview with (b) (6) Committee on Science, Space and Technology, on July 30, 2019 at 10:00 am, PST, (b) (6).

SCOPE: Definition of the term used by the Committee – “Embargoed Testimony”

CONCLUSION:

Embargoed testimony refers to testimony submitted to the House in advance of a hearing and it is not public and is not (b) (6) to be released until after the hearing.

DISCUSSION:

After an exhaustive search for an official definition of “embargoed testimony”, I called staff at the Committee on Science, Space and Technology and asked for a source who could define the term. I was transferred to (b) (6). I explained that I had a complaint by the Committee which included the term “embargoed testimony” and that I could not find a formal definition of this term. (b) (6) said that “embargoed testimony” is not really defined. However, he could give me its common usage which is a testimony submitted to a committee in advance of the hearing where there would also be an oral testimony. He said it is typically used by watchdog groups such as the OIG and GAO. He said “embargoed” means that it is not public and is not to be released or discussed publicly. He said they ordinarily hold an embargoed testimony until after the hearing after which it is allowed to be released. (b) (6) said the term is more commonly used with the media which has “embargoed press releases” which

are ordinarily held until they are officially allowed to release the content, such as after a hearing or other event.

Preparer Initials/Date Completed	MP	8/19/19 8/20/2019 9/20/2019	Addressed Comment 1 Addressed Comment 2
1 st Level Review	amb	8/20/2019 9.19.2019 9.25.2019	Comment 1: (b) (5) [REDACTED] Comment 2: (b) (5) [REDACTED] Please include the date of your changes and note in comment column that you have addressed the comment—thanks! Comments cleared.
2 nd Level Review	JMT	10/20/2019	Approved – (b) (5) [REDACTED]

Purpose:

To review the June 26, 2017 New York Times article titled “EPA Official Pressured Scientist on Congressional Testimony, Emails Show” for background surrounding Dr. Deborah Swackhamer’s testimony before the House Science Committee on May 23, 2017.

Scope:

Review of testimony by Dr. Deborah Swackhamer, Chair of EPA’s Board of Scientific Counselors, before the House Science, Space and Technology Committee on the role of states in environmental policy, on May 23, 2017 to determine relevance/impact on our audit.

Source:

New York Times article titled: “E.P.A. Official Pressured Scientist on Congressional Testimony, Emails show”, dated June 26, 2017, by Coral Davenport [Link: NYT EPA Article .docx](#) amb OK JMT

Conclusion:

- Dr. Swackhamer testified to the House Committee on Science, Space and Technology on May 23rd 2017 as an independent scientist – not as an EPA Board of Scientific Councilors member. [A Summary](#)
[Link: 00 - PSSC workpaper.docx](#) OK JMT

- This article describes how Dr. Swackhamer felt ‘bullied’ when Ryan Jackson sent her talking point the evening before her testimony before the House Committee on Science, Space and Technology on May 23rd 2017. [B Summary](#) OK JMT
- Swackhamer stated that her information was factual and when Jackson in the email described ‘the decision had not yet been made’ was not correct information as it had come to the attention of the board that were was going to be members who requested renewals who did not receive them. [C Summary](#) OK JMT
- Swackhamer confirms how when she received the emails from Jackson about her testimony it had already been submitted to congress. [D Summary](#) OK JMT

○ (b) (5)

Summary of Key Elements in the article:

The article states:

1. EPA’s chief of staff pressured the top scientist on the agency’s scientific review board to alter her congressional testimony and play down the dismissal of expert advisors [Link: NYT EPA Article .docx-1st paragraph. Amb](#) OK JMT
2. Dr. Swackhamer, an environmental scientist who leads EPA’s Board of Scientific Counselors, was to testify as an independent scientist on May 23, 2017 before the House Science, Space and Technology Committee on the role of states in environmental policy, when Ryan Jackson, EPA’s Chief of Staff, asked her to stick to the agency’s “talking points” on the dismissals of several members of the scientific board. [Link: NYT EPA Article .docx-2nd paragraph amb](#) OK JMT
3. Swackhamer stated “I was stunned that he was pushing me to ‘correct’ something in my testimony...I was factual, and he was not. I felt bullied. [Link: NYT EPA Article .docx-3rd paragraph](#) OK JMT
4. Swackhamer’s testimony came two weeks after the dismissals which met with fierce pushback from the scientific community [Link: NYT EPA Article .docx-3rd paragraph amb](#) OK JMT
5. There is criticism that senior positions at EPA, including Jackson, have been staffed with former staff members of Senator James Inhofe of Oklahoma, a prominent denier of climate change. [Link: NYT EPA Article .docx-4th paragraph amb](#) OK JMT
6. Jackson sent Swackhamer an email prior to her testimony stating that “a decision had not yet been made” about whether to dismiss staff on the scientific review board. However, at that time several had already received notices of non-renewal of their terms. [Link: NYT EPA Article .docx-5th paragraph amb](#) OK JMT
7. Swackhamer said by the time Jackson’s email had reached her, her testimony had already been submitted to the House Committee. [Link: NYT EPA Article .docx-13th paragraph amb](#) OK JMT

8. Swackhamer said she planned to speak in her role as an independent scientist rather than an EPA employee and would make this plain at the outset of her testimony [Link: NYT EPA Article .docx-13th paragraph amb OK JMT](#)
9. Ranking member, Eddie Bernice Johnson, sent a letter to Scott Pruitt: expressing concern that Jackson attempted to shape Swackhamer's testimony may have been improper or even illegal and requested the agency's inspector general to investigate [Link: NYT EPA Article .docx-14th paragraph amb OK JMT](#)

Preparer Initials/Date Completed	MP	8/20/19 9/23/2019	Addressed Comments 1-3
1 st Level Review	Amb	9.20.19	<p>Comment 1: (b) (5)</p> <p>Comment 2: (b) (5)</p> <p>Comment 3: (b) (5)</p> <p>9/25/2019</p> <p>Comments Cleared.</p>
2 nd Level Review	JMT	10/20/2019	<p>Approved – (b) (5)</p> <p>JMT</p>

Purpose: To understand the tone at the top in relation to the EPA.

Source: The Office of Governmental Ethics - [Link: OGE - Letter to EPA DAEO.docx](#) amb OK JMT Training Industry - [Link: High-Integrity Workplace Starting at the Top Industry Article.docx](#) ,amb OK JMT New York Times Article - [Link: E.P.A New York Times Article.docx](#) OK JMT, Politico Article - [Link: E.P.A Politico Article.docx](#) amb OK JMT

Scope: To review the tone at the top and how it effects the EPA.

Conclusion:

- A positive tone at the top requires leaders to act ethically and with integrity to set an example of behavior to the rest of the organization. [A Summary](#). Amb OK JMT
- The Office of Governmental Ethics wrote a letter to Kevin Minoli, Acting General Council, warning on the implications that Administrator Pruitt’s behavior had on the EPA as a whole. [B Summary](#). Amb OK JMT
- This behavior had a ripple effect within the EPA as when others referenced in the NYT Article spoke out about their concerns were moved or had to take temporary leave after questions Pruitt’s actions. [C Summary](#). Amb OK JMT

Summary of Tone at the Top:

“Everyone understands organizational goals, operates in line with expectations and hold each other accountable to those standards. **Leaders make decisions without taking shortcuts, and employees conduct themselves in an ethical manner.**” [Link: High-Integrity Workplace Starting at the Top Industry Article.docx](#) amb This article explains that is it crucial to have strong leaders who inspire and demand integrity from their employees. However; if the leaders who set the tone for an organization are not acting with integrity-this negatively affects every employee.

(b) (5)

(b) (5)

The United States Office of Government Ethics sent a letter to Kevin Minoli, Acting General Council, on April 6, 2018 about the ethical lapses with Administrator Scott Pruitt:

“Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations. If true, is it hard to imagine any action that could more effectively undermine an agency’s integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.” [Link: OGE - Letter to EPA DAEO.docx](#) OK JMT

On April 5, 2018 (b) (5) a New York Times article reported that 4 employees were moved to new jobs or took temporary leave after questioning Pruitt’s actions including Deputy Chiefs of Staff John Reeder and Reginald Allen. [Link: E.P.A New York Times Article.docx](#) amb OK JMT As well as security agents (b) (6) [Link: E.P.A New York Times Article.docx](#). amb OK JMT Mario Caraballo was the Deputy Associate Administrator and was fired after “editing a report suggesting the recorded threats against Pruitt didn’t justify his large-scale security operation” although EPA’s official statement was that “he was let go for other reasons.” [Link: E.P.A Politico Article.docx](#) amb OK JMT (b) (5)

Preparer Initials/Date Completed	MP	8/6/19 9/24/19	Reviewed comments
1 st Level Review	Amb	9.20.19	(b) (5)
		9.25.2019	N/A
2 nd Level Review	JMT	10/20/2019	No Comments – (b) (5)

Purpose: To obtain background information on Dr. Swackhamer's testimony.

Source: Dr. Swackhamer appeared on the The Rachel Maddow Show that was aired on May 28, 2017 [Link: Maddow - Swackhamer Interview Transcript.docx](#). [Rachel Maddow Show Interview with Dr. Swackhamer](#).

Scope: To determine if Dr. Swackhamer's comments made on the Rachel Maddow Show are relevant to the objectives of our audit, specifically how Ryan Jackson obtained a copy of her testimony.

Conclusion: Dr. Swackhamer did not discuss anything regarding how Ryan Jackson obtained a copy of her testimony. [Auditor conclusion based on Summary below] She did discuss other items that did not pertain to our objective, including that BOSC meetings were cancelled [Summary, 1st bullet] and the emails she received from Ryan Jackson regarding her testimony. [Summary, bullets 2, 3 and 4]

Summary:

- Dr. Swackhamer mentioned during the interview that all six future meetings for the Board of Scientific Counselors (BOSC) were canceled. [Link: Maddow - Swackhamer Interview Transcript.docx](#) amb OK JMT
- Swackhamer said *"getting these emails the night before was very disturbing. It was very- I have to say I was pretty intimidated because I had made it very clear to everyone that I was testifying as an independent scientific expert, and I was not testifying as an EPA witness. And I had told the EPA that and cleared it with their ethics folks."* [Link: Maddow - Swackhamer Interview Transcript.docx](#) amb OK JMT
- (b) (5) Maddow asked Swackhamer if she gave her testimony as she intended, and Swackhamer responds, *"Absolutely."* [Link: Maddow - Swackhamer](#)

Interview Transcript.docx While reviewing the written testimony and the live verbal testimony the part about the topic in question about the BOSC members was not said in the verbal testimony. **Amb OK JMT**

- She continues that that “...*then I got the final email which was, we want you the change your testimony ...and I thought who are they to be telling me what I’m supposed to be saying when it’s my testimony? And furthermore, I’ve already submitted it. So I was very intimidated by that.*” [Link:](#) **Maddow - Swackhamer Interview Transcript.docx** **amb OK JMT**

Preparer Initials/Date Completed	MP JL JL	8/21/2019 8/28/19 10/18/2019	WP Finalized (b) (5)
1 st Level Review	Amb	9/20/2109 11/20/2019	Initiated review. No comments to address.
2 nd Level Review	JMT	11/20/2019	No Comments

[Link:](#) **PSSC – Analysis of Complaint**

[Link:](#) **00 - PSSC workpaper.docx**

Purpose:

To review the email exchange on May 22, 2017 between Ryan Jackson, EPA Chief of staff and Dr. Swackhamer, Chair of Board of Scientific Counselors (BOSC) to determine how Jackson obtained the testimony and if there was any attempt to mislead or intimate Swackhamer's testimony the day before her testimony before the House Committee of Science, Space and Technology to be held on May 23, 2017. JL

Scope:

Congressional complaint on June 26, 2017 including allegations of witness tampering by Ryan Jackson, EPA Chief of Staff, to Dr. Swackhamer, Chair of the BOSC, via email exchange on May 22, 2017 this will include determining how Jackson received the testimony. JL

Source:

The email exchange between Jackson and Swackhamer on May 22, 2017. E.2-01 [Link:](#) **Swackhamer and Jackson Email Chain.docx** JLa mb

Conclusion: Based on review of the email chain below **we could not determine how Ryan Jackson received a copy of the testimony** (auditor conclusion). JL amb OK JMT

- A PDF named 'image2017-05-22-063423' appears to show Ryan Jackson with knowledge of the details of Swackhamer's testimony. [A \(Summary of Email Exchange - Bookmark to email at 6:03pm\)](#) JL amb OK JMT
- Jackson had several people copied on his emails to Dr. Swackhamer while (b) (5) These employees are listed below [B \(Background on Individual's CC'd on Email Chain\)](#) amb OK JMT with their respective titles; while including these members on the email exchange (b) (5)

JL amb OK JMT

- (b) (5)

Summary of Email Exchange between Ryan Jackson and Dr. Swackhamer - All of the Emails Take Place on May 22, 2017 (in order):

- **11:34 AM:** Jackson emailed Robert Kavlock, (Acting Assistant Administrator for the Office of Research and Development ORD), (b) (5)
E.2-01, pg. 1/8, [Link: Swackhamer and Jackson Email Chain.docx](#) JL amb OK JMT
- **11:45 AM:** Kavlock responds (b) (5)
E.2-01, pg. 2/8
- [Link: Swackhamer and Jackson Email Chain.docx](#) JL amb OK JMT
- **2:01 PM:** Swackhamer emails Jackson (b) (5)
E.2-01, pg. 3/8 - [Link: Swackhamer and Jackson Email Chain.docx](#) JL amb OK JMT
- **2:27 PM:** Swackhamer then emails Jackson and Kevin Minoli (Principal Deputy General Counsel) (b) (5)
E.2-01, pg. 4/8 - [Link: Swackhamer and Jackson Email Chain.docx](#) JL amb OK JMT
- **3:23 PM:** Jackson emails Swackhamer and Minoli (b) (5)

(b) (5)

E.2-01, pg. 5/8 - [Link](#): Swackhamer and

Jackson Email Chain.docx JL amb OK JMT

- Auditor's Note: The titles of the individuals cc'd are as follows:
- **Samantha Dravis** – Associate Administrator Office of Policy
- Robert Kavlock - Acting Assistant Administrator ORD
- **Troy Lyons** - Associate Administrator for Congressional and Intergovernmental Relations
- Elise Packer- Deputy General Counsel for Operations

- **6:03 PM**: Jackson then emails Swackhamer and Minoli (b) (5)

E.2-01, pg. 6/8 - [Link](#): Swackhamer and

Jackson Email Chain.docx OK JMT

[Link](#): PSSC- Analysis of Swackhamer Testimony.docx , [Link](#): PSSC- USC in Complaint.docx JL amb

- **Brittany Bolen** - Associate Administrator for the Office of Policy

- **7:15 PM**: Swackhamer emails Jackson (b) (5)

E.2-01, pg. 6/8 - [Link](#): Swackhamer and

Jackson Email Chain.docx JLamb OK JMT

Background on Individuals CC'd on the Email Chain: (b) (5)

*****In Bold Trump Administration Appointees*****

○ **Samantha Dravis – Associate Administrator Office of Policy**

- Before working at the EPA, (b) (6)

[REDACTED]

E.2-03a, pg. 1/6

- [Link: Background Information on CC'd in Jackson Emails.docx](#) JL amb OK

JMT

○ **Robert Kavlock - Acting Assistant Administrator ORD**

- Robert J. Kavlock, Ph.D., is the Acting Assistant Administrator for the Office of Research and Development, and EPA's Deputy Assistant Administrator for Science. (b) (6)

[REDACTED]

E.2-03a, pg. 2/6 - [Link: Background](#)

Information on CC'd in Jackson Emails.docx JL amb OK JMT

○ **Troy Lyons - Associate Administrator for Congressional and Intergovernmental Relations**

- Formally (b) (6)

[REDACTED]

E.2-03a, pg. 3/6 -

[Link: Swackhamer and Jackson Email Chain.docx](#) JL amb OK JMT

○ **Brittany Bolen -Associate Administrator for the Office of Policy**

- Brittany Bolen serves as the Associate Administrator for the Office of Policy (OP). Previously, she has served as Acting Associate Administrator and Deputy Associate Administrator for Office of Policy. (b) (6)

[REDACTED]

E.2-03a, pg. 4/6 -

[Link: Background Information on CC'd in Jackson Emails.docx](#) JL OK JMT

○ **Elise Packer- Deputy General Counsel for Operations**

- Elise Packer currently is the Associate General Counsel for Civil Rights and Finance since 2014. Packer served as the Acting Principal Deputy General Counsel from 2017 to 2018. (b) (6)

E.2-03a, pg. 6/6 - [Link: Background Information on CC'd in Jackson Emails.docx](#) JL OK JMT

	Initials	Date	Comments
Preparer Initials/Date Completed	JL	11/21/19	
1st Level Review	Amb	11/21/2019	No comments
2nd Level Review	JMT	11/26/2019	No Comments

PURPOSE:

To document issuance of draft report on November 21, 2019 titled: *Despite Requirements of the Inspector General Act, Chief of Staff Refuses to Provide Agency Information for OIG Evaluation; EPA Whistleblower Training Does Not Address Interference With or Intimidation of Congressional Witnesses.*

SOURCE:

1) Email on 11-21-19 from Angela Bennett to Agency contracts on issuance of draft report – B.2-01 - [Link: 11-21-19 Issuance of Draft Report.pdf](#) amb OK JMT

2) Issued Draft Report for Project OA&E-FY19-0313 on 11/21/19 – B.2-02 - [Link: 11.21.2019 ISSUED OIG Congressional Request - Swackhamer Draft Report_.pdf](#) amb OK JMT

SCOPE: Report addressing a June 26, 2017 Congressional request from the House of Representatives Committee on Science, Space and Technology regarding the EPA Chief of Staff's interference with the testimony of a Democratic witness before the committee on May 23, 2017 [A.1-01].amb OK JMT

CONCLUSION:

On November 21, 2019, the EPA OIG issued the draft report titled: “*Despite Requirements of the Inspector General Act, Chief of Staff Refuses to Provide Agency Information for OIG Evaluation; EPA Whistleblower Training Does Note Address Interference With of Intimidation of Congressional Witnesses*”. Project OA&E-FY19-0313.

	Initials	Date	Comments
Preparer Initials/Date Completed	MP	10/11/19	
1st Level Review	AMB	11.19.2019	No Comments
2nd Level Review	JMT	11/20/2019	Added Interview Date - No Comments

Purpose:[Link: 11.18.19 Swackhamer Draft Report Edited Clean.docx](#)

To review files received from Ryan Jackson during his interview with Angela Bennett (10/3/2019) is in accordance with EPA standards for training and conduct.

Scope:

Identified what the documents supported in terms of New Employee Requirements in relation to whistleblower training and all information given to Jackson on whistleblowers.

Source:

The files were received from Ryan Jackson and include

1. **New Executive Checklist** ([Link: F.4, 01New Executive Checklist 2017.pdf](#)), **AMB OK JMT**
2. **A message from the administrator about whistleblowing** ([Link: F.4, 02Message from the Administrator-Whistleblower Protections 2018.pdf](#)) **AMB OK JMT**
3. **Email correspondence about the roll out of whistleblower policies** ([Link: Emails On Policy Roll Out-Whistleblower 2017.pdf](#), [Link: Email On Policy Rollout-Whistleblower 2018.pdf](#), [Link: Email on Policy Rollout Part II-Whistleblower 2018.pdf](#)) **F.4, 03-05 AMB OK JMT**

Conclusion:

- The New Executive Checklist outline all the requirements for employees - mandatory training on the 30 day and 90 day marks on whistleblower rights and ethics [Link: PSSC 2017 and Additional Requirements FY2020.docx](#) **AMB OK JMT**
- The message from Andrew Wheeler the administrator gives a brief explanation of what de defined as a whistleblower, their rights and the whistleblower acts of 1989 and 2012 as well as Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017. [Link: Message from the Administrator-Whistleblower Protections 2018.pdf](#) **AMB OK JMT**
- The email correspondence from 2017- 2018 that was provided details about the Message from the Administrator (Wheeler) and the editing process that it went through before it was sent out agency wide. [Link: Emails On Policy Roll Out-Whistleblower 2017.pdf](#), [Link: Email On Policy Rollout-Whistleblower 2018.pdf](#), [Link: Email on Policy Rollout Part II-Whistleblower 2018.pdf](#) **AMB OK JMT**

	Initials	Date	Comments
Preparer Initials/Date Completed	MP	10/17/19	
1st Level Review	AMB	10.22.2019 11.20.2019	Initial review Final Review-No comments
2nd Level Review	JMT	11/20/2019	No Comments

Purpose:

(b) (5) Ryan Jackson to give the OIG full responses to their questions regarding the Project No. OA&E-FY19-0313. The email also mentions that there are other avenues the OIG can explore regarding withholding information from the OIG during an audit.

Source:

Email sent by John Trefry, OIG Director of Forensic Audits to Douglas Benevento the Associate Deputy Administrator on October 16, 2019 at 4:24 pm. [Link: C.4,01 Non-responsiveness of Chief of Staff to OIG Audit Question.pdf](#) amb OK JMT

Scope:

This email communication to Mr. Benevento was to convey the utmost importance to the OIG getting full cooperation and complete answers to questions asked to agency employees. Following with options the OIG can take if there is non-cooperation to the audit question posed to Jackson.

Conclusion:

- On August 29, 2019 the OIG sent a notification email for the audit based on a congressional request expressing concerns that the EPA obtained advance access to testimony by an environmental science and policy expert before the House Committee on Science, Space and Technology on May 23, 2017.
- September 11, 2019 Jackson responded to the notification email, "When would you like to talk to me about this? I'm eager."
- Jackson was interviewed on October 3, 2019 and when asked a question, objective one listed in the notification memo as to how he got the testimony – he answered that he received the testimony but would not specific as to who or how he got it.
- Project Manager Angela Bennett sent a follow up email on October 7, 2019 to Jackson to clarify his response – and she has not yet received an answer.
- Jackson has a duty to comply with the OIG and give all information necessary to the audit as specified by the IG Act:

- “to have timely access to all records ... documents ... or other materials ... which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act.” See 5 U.S.C. app. § 6.
- The IG can respond to Jackson’s noncompliance with several options:
 - “[W]henever information or assistance requested ... is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.” 5 U.S.C. app. § 6(c)(2).
 - The OIG can elect to report refusals to cooperate with an OIG audit to the Congress at any time. See 5 U.S.C. app. § 4(a)(5)
 - in the case of “particularly serious or flagrant problems, abuses or deficiencies,” the IG shall report the problem to the head of the agency, who in turn is required to transmit that report, along with any comments, to the appropriate committees or subcommittees of Congress within seven calendar days. See 5 U.S.C. app. § 5(d).
- The OIG requested a response from Jackson on how he received the testimony by call of business on October 18, 2019.

Prepared By	MP JL	8/6/19 8/28/19	This workpaper was prepared under E.3. Per PM's comment, it was moved to the Background Section under D.6. JL 10/1/19
1 st reviewer	Amb	9.19.2019	Comment 1 (b) (5) [REDACTED] Comment 2 (b) (5) [REDACTED]
2 nd reviewer	JMT	10/25/2019	Comments are in Green – Cleared – Background information only

Purpose:

(b) (5)
[REDACTED]

Source:

The email exchange on September 14, 2017 between Justina Fugh, Director, OGC and Alan Larsen, Counsel to Inspector General, and Clay Brown, Special Agent in the Office of Investigations regarding Jackson's emails on May 22, 2017 related to Dr. Swackhamer's upcoming testimony before the House Committee on Science, Space and Technology. JLOK JMT

Scope:

Reviewed the Complaint dated June 26, 2017 by members of the House Committee on Science, Space and Technology, alleging possible witness tampering by Ryan Jackson, EPA Chief of Staff [Link: Congressional Complaint on June 26, 2017.docx](#) JLOK JMT

CONCLUSION:

1. In her 9/14/17 email to Alan Larsen, OGC Justina Fugh (b) (5)

[REDACTED]

(D.6-01, pg. 1/2 - [Link: 01 - Email from Justina Fugh Re. Ryan Jackson's Behavior.docx](#)) JLOK JMT

2. Based on Alan Larsen's 9/29/17 email to Jeff Lagda, it appears that (b) (5) [REDACTED] (D.6.01, pg. 1/2 - [Link](#): 01 - Email from Justina Fugh Re. Ryan Jackson's Behavior.docx) JL OK JMT

Summary of Emails (in date order):

Email From: Justina Fugh – To: Alan Larsen and Clay Brown on September 14, 2017

D.6-01, pg. 1/2 - [Link](#): 01 - Email from Justina Fugh Re. Ryan Jackson's Behavior.docx

Fugh states that (b) (5) [REDACTED]

- Fugh describes the advice (b) (5) [REDACTED]

JL


- Fugh states that (b) (5) [REDACTED]

- Fugh states that (b) (5) [REDACTED]

- Lastly, Fugh states (b) (5) [REDACTED]

Email From: Alan Larsen to Jeff Lagda & cc to Jennifer Kaplan and Kentia Elbaum on September 29, 2017

Larsen states that (b) (5)



Discussion- Further Questions:

- (b) (5) 
- (b) (5) 

(b) (5)  JMT

[Link: 11.4.2019 Swackhamer Draft Report.docx](#)

[Link: Appendix 1 Blue Book Evaluation.docx](#)

[Link: Approved Ethics Congressional Request Assignment Guide 8.7.2019.docx](#)

[Link: 00 - Summary.docx](#)

	Initials	Date	Comments
Preparer Initials/Date Completed	JL	11/6/19	Done. JL 11/19/19
1st Level Review	Amb	11/19/2019	Comment 1: (b) (5)
2nd Level Review	JMT	11/21/2019	No Comments

PURPOSE: To document interview with EPA Chief of Staff, Ryan Jackson, on October 3, 2019, by OIG staff.

SOURCE:

1. Interview held in EPA Chief of Staff Ryan Jackson's office on October 3, 2019 at 4:30 PM with the following attendees:

- Ryan Jackson, EPA Chief of Staff
- Kevin Christensen, EPA OIG Inspector General for Audits and Evaluations
- John Trefry, EPA OIG OA&E Director of Forensic Audits
- Angela Bennett, EPA OA&E, Project Manager, Forensic Audits
- Lela Wong, EPA OA&E, Auditor-In-Charge, Forensic Audits
- Joon Choi, EPA OA&E, Auditor, Forensic Audits

2. Email from Lela Wong on October 7, 2019 – C.6-01 - [Link: 10-7-19 Email from Lela Wong.pdf](#) OK JMT

3. Documents Provided by Ryan Jackson:

- New Executive Checklist 2017 – F.4.01 - [Link: New Executive Checklist 2017.pdf](#)
- Message from the Administrator-Whistleblower 2017 – F.4.02-[Link: Message from the Administrator-Whistleblower Protections 2018.pdf](#) OK JMT
- Emails on Policy Roll out-Whistleblower 2017 – F.4.03 -[Link: Emails On Policy Roll Out-Whistleblower 2017.pdf](#)
- Email on Policy Roll-Out-Whistleblower 2018 – F.4.04 - [Link: Email On Policy Rollout-Whistleblower 2018.pdf](#)
- Email on Policy Roll-Out Part II-Whistleblower 2018 – F.4.05 - [Link: Email on Policy Rollout Part II-Whistleblower 2018.pdf](#) OK JMT

SCOPE: OIG IPA and Congressional Request assignments.

CONCLUSION:

Mr. Jackson disclosed that he had an advance copy of Dr. Swackhamer's testimony, but he would not say where he got it from (see **Discussion immediately below/audit conclusion**). OK JMT

DISCUSSION:

[Link:](#) 00 - Summary.docx

OIG staff met with EPA Chief of Staff, Ryan Jackson on October 3, 2019. Specific to this Congressional Request assignment, they asked him two questions: Did you get a copy of Dr. Deborah Swackhamer's testimony in advance of the hearing? And if so, who did you get it from? Mr. Ryan responded as follows:

"Did I get a copy of the testimony? Yes, I absolutely did. (b) (5)

[REDACTED]

[C.6-01 - [Link:](#) 10-7-19 Email from Lela Wong.pdf] OK JMT

In addition to the discussion above, Mr. Jackson also provided a series of documents he said supporting the agency's effort to provide information to staff regarding Whistleblower rights (**refer to Source #3**) OK JMT

	Initials	Date	Comments
Preparer Initials/Date Completed	MP	10/17/19	
1st Level Review	Amb	10.22.2019	No comments
2nd Level Review	JMT	10/25/2019	No Comments

Purpose:

To review the EPA's Office of Administrator (AO) and EPA Designated Ethics Officials (DEO) and their role in each region and department.

Source:

The EPA's AO website [Link: Role of Office of the Administrator.pdf](#) and the DEO website [Link: DEO Full List .docx.](#) amb OK JMT

Scope:

Reviewed those roles in the EPA Office of the Administrator and those in EPA Designated Ethics Officials in the different regions, departments and labs.

Conclusion:

- “The Office of the Administrator (AO) provides executive and logistical support for the EPA Administrator. AO supports the leadership of EPA's programs and activities to protect human health and the environment. The Office of the Administrator includes:”
[Link: Role of Office of the Administrator.pdf](#) amb OK JMT
 - Office of Administrative and Executive Services
 - Office of Children's Health Protection
 - Office of Civil Rights
 - Office of Congressional and Intergovernmental Relations
 - Office of Continuous Improvement
 - Office of the Executive Secretariat
 - Office of Homeland Security
 - Office of Policy
 - Office of Public Affairs
 - Office of Public Engagement and Environmental Education
 - Office of Small and Disadvantaged Business Utilization
 - Science Advisory Board
- Key Players Include: [Link: Role of Office of the Administrator.pdf](#) amb OK JMT
 - Andrew Wheeler, Administrator
 - Doug Benevento, Associate Deputy Administrator
 - Ryan Jackson, Chief of Staff

- “The Ethics Office oversees all aspects of the Agency's ethics program, including the Standards of Ethical Conduct, conflicts of interest statutes, financial disclosure, ethics training and the Hatch Act. It is responsible for ensuring the high ethical standards of EPA employees.” [Link: About the Office of General Counsel \(OGC\).pdf](#) amb OK JMT
 - Justina Fugh, Senior Counsel for Ethics / Alternate Agency Ethics Official

	Initials	Date	Comments
Preparer Initials/Date Completed	JL	11/19/19	
1st Level Review	Amb	11/19/2019	No comments—edits in pink font.
2nd Level Review	JMT	11/20/2019	No Comments

PURPOSE: To document (b) (5) email communications with Wes Carpenter, OMS, regarding whistleblower protection and other training provided by the agency.
(b) (5)

SOURCE: [Link:](#) 11.18.19 Swackhamer Draft Report Edited Clean.docx

1. Email communications with Wes Carpenter, Deputy Assistant Administrator for Administration and Resources Management, Office of Mission Support (OMS), 11-12-19 [C.7-02 - [Link:](#) Follow up with Wes Carpenter 11.12.19.pdf] amb OK JMT
2. EPA HQ Orientation Package, September 2019 [C.7-01 - [Link:](#) EPA HQ Orientation Package_Sept 2019.pdf] amb OK JMT

SCOPE: Training that discusses interfering with or intimidating individuals who testify before Congress.

CONCLUSION: [Link:](#) 11.18.19 Swackhamer Draft Report Edited Clean.docx OK JMT

Per OMS (Wes Carpenter) there is a HQ orientation checklist, which all political appointees receive. Under the first 30 to 180 days, political appointees are required to complete several activities, including Whistleblower Protection, Personnel Prohibited Practices and No Fear training. The attached document is also being updated to include the following link on Whistleblower Protection:
<https://osc.gov/Documents/Outreach%20and%20Training/Posters/Whistleblowing%20Poster.pdf>

It is also important to point out that EPA political appointees do not receive anything different from Executive Resources at orientation from what EPA employees receive at their orientation.

[Link:](#) PSSC SES Training Requirement 4..docx In response to the question specific to interfering with or intimidating a witness—OMS responded: The Responding to Employees Alleging Violations of Whistleblower Protections training we facilitate on behalf of the agency was provided directly from the Office of Special Counsel. (b) (5)

DISCUSSION:

- On August 26, 2019, PM Angela Bennett emailed Wes Carpenter in OMS whether there was whistleblower or other training regarding interfering or intimidating individuals who testify before Congress [C.7-02, pg. 2/4-3/4 [Link: Follow up with Wes Carpenter 11.12.19.pdf](#)]. amb OK JMT
- Wes Carpenter responded on the same day that he would check with HR staff on the subject training on will follow-up [C.7-02, pg. 2/4 - [Link: Follow up with Wes Carpenter 11.12.19.pdf](#)]. amb OK JMT
- A response was finally received about a month later from Wes Carpenter on September 27, 2019 where he stated: “I have heard back from our HR managers regarding your inquiry. Attached is the HQ orientation checklist [C.7-02 - [Link: EPA HQ Orientation Package_Sept 2019.pdf](#)] amb, which all political appointees receive. Under the first 30 to 180 days, political appointees are required to complete several activities, including Whistleblower Protection, Personnel Prohibited Practices and No Fear training. The attached document is also being updated to include the following link on Whistleblower Protection: <https://osc.gov/Documents/Outreach%20and%20Training/Posters/Whistleblowing%20Poster.pdf>. It is also important to point out that EPA political appointees do not receive anything different from Executive Resources at orientation form what EPA employees receive at their orientation.[C.7-02, pg. 1/4 to 2/4 - [Link: Follow up with Wes Carpenter 11.12.19.pdf](#)] amb OK JMT
- On November 12, 2019, Angela followed-up with Carpenter and stated: “I did not see any discussion regarding “interfering with or intimidating individuals who testify before Congress”. She asked: “Does the agency have any additional training that would discuss this specific matter? If no, does the agency plan to incorporate this matter into any existing training materials?” [C.7-02, pg. 1/4 - [Link: Follow up with Wes Carpenter 11.12.19.pdf](#)]. amb OK JMT
- Carpenter responded on the same date and said: “The Responding to Employees Alleging Violations of Whistleblower Protections training we facilitate on behalf of the agency was provided directly from the Office of Special Counsel.(b) (5)
[REDACTED]
[REDACTED] [C.7-02, pg. 1/4 - [Link: Follow up with Wes Carpenter 11.12.19.pdf](#)] amb OK JMT

	Initials	Date	Comments
Preparer Initials/Date Completed	JL	11/14/19	
1st Level Review	AMB	11.19.2019	No comments
2nd Level Review	JMT	11/20/2019	No Comments

PURPOSE: Email outreach on 10-7-19 to Senior Political Appointee and Chief of Staff Ryan Jackson regarding clarification of his answer to interview questions on 10-3-19.

SOURCE: 10-7-19 email from OIG PM Angela Bennett to Chief of Staff Ryan Jackson seeking clarification on his answers to prior interview questions [C.8-01Link: 10-7-19 Email from Angela Bennett to Ryan Jackson.pdf] AMB OK JMT

SCOPE: Follow-up on 10-7-19 with Chief of Staff Ryan Jackson regarding his response to how he obtained the advance copy of congressional testimony.

CONCLUSION:

On October 7, 2019, OIG PM Angela Bennett sent an email to EPA Chief of Staff Ryan Jackson thanking him for the meeting with the team the prior week (10/3/19) and asking for clarification on one point. She states: "My notes indicate that when we asked you 'From whom did you receive a copy of the testimony?', your answer was: (b) (5) [REDACTED]". Angela states: "I would like to confirm that this was your answer to this question." [C.8-01Link: 10-7-19 Email from Angela Bennett to Ryan Jackson.pdf]. OK JMT

Auditor's Note: The Chief of Staff did not respond to this email. JL
[Link: 11.4.2019 Swackhamer Draft Report.docx](#) OK JMT

	Initials	Date	Comments
Preparer Initials/Date Completed	JL	12/5/19	
1st Level Review	Amb	12.5.2019	No comments
2nd Level Review	JMT	12/5/2019	No Comments

PURPOSE: To document the IG Meeting with Associate Deputy Administrator and General Counsel on October 17, 2019.

SOURCE: Email from John Trefry, Director, Office of Forensic Audits, on 12/5/19 [C.10-01 - [Link: Email Documenting 10.17.2019 IG Meeting with Agency.pdf](#)] amb

SCOPE: Meeting held on 10/17/19 with Acting IG - Chuck Sheehan, Director of Forensic Audits – John Trefry, Associate Deputy Administrator – Douglas Benevento and General Counsel – Matt Leopold to discuss the OIG meeting with Ryan Jackson on 10/3/19.

CONCLUSION:

John Trefry provided a summary of the OIG's 10/3/19 meeting with Ryan Jackson. He said (b) (5)

Trefry stressed that all OA&E wanted from Jackson was a name, and, there were no objections (3rd paragraph).

Per Chuck Sheehan, “while the IG Act and Administrator Wheeler require full Agency cooperation with our audits and investigations...we will extend the dates – one last time - - for Mr. Jackson’s full cooperation in both matters from October 18, 2019 until COB October 23, 2019 (6th paragraph). Sheehan said “this will have represented more than enough time for Mr. Jackson to provide OIG all the long-sought information (7th paragraph).